

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA (Western
Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:06–cv–06281–PA**

Arif Durrani v. S A Holencik
Assigned to: Judge Percy Anderson
Cause: 28:2241 Petition for Writ of Habeas Corpus (federal)

Date Filed: 10/02/2006
Date Terminated: 08/12/2008
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: U.S. Government Defendant

Petitioner

Arif Durrani

represented by **Arif Durrani**
REG 09027–014
Adelanto Federal Correctional Institution –
Victorville
P O Box 5300
Adelanto, CA 92301
PRO SE

William A Crowfoot, II
AUSA – Office of US Attorney
312 N Spring St
Los Angeles, CA 90012–4700
213–894–2434
Email: USACAC.Criminal@usdoj.gov
TERMINATED: 01/16/2008
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Respondent

S A Holencik

represented by **William A Crowfoot, II**
AUSA – Office of US Attorney
Criminal Div – US Courthouse
312 North Spring Street
Los Angeles, CA 90012–4700
213–894–4465
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/02/2006	<u>1</u>	PETITION for Writ of Habeas Corpus by a Person In Federal Custody (28:2241) (Filing fee \$5) filed by petitioner Arif Durrani.(jag,) (Entered: 10/06/2006)
10/16/2006	<u>2</u>	

		SUPPLEMENTAL BRIEF filed by Petitioner Arif Durrani. (gk,) (Entered: 10/27/2006)
10/16/2006	<u>¶ 3</u>	NOTICE OF MOTION AND MOTION to Disqualify District Judge Percy Anderson and Assistant United States Attorney, William A. Crowfoot filed by Petitioner Arif Durrani. (rn,) (Entered: 10/31/2006)
10/31/2006	<u>¶ 4</u>	REFERRAL OF MOTION to Disqualify Judge/Magistrate Judge has been filed. Pursuant to GO 224 and GO 194 MOTION to Disqualify District Judge Percy Anderson 3 is referred to Judge R. Gary Klausner for determination.(rn,) (Entered: 10/31/2006)
12/06/2006	<u>¶ 5</u>	MOTION to Grant Writ 28 U.S.C. Section 2243, filed 10/2/2006 filed by Petitioner Arif Durrani. (gk,) (Entered: 12/18/2006)
02/16/2007	<u>¶ 6</u>	MINUTES (IN CHAMBERS) by Judge R. Gary Klausner: Proceedings – Plaintiff's Motion Requesting Re–Assignment of Honorable Judge Due to Conflict of Interest in a Civil Complaint Including Assistant U.S. Attorney. Plaintiff's Motion to Disqualify 3 is hereby denied. Court Reporter: Not Reported. (gk,) (Entered: 02/20/2007)
05/17/2007	<u>¶ 7</u>	ORDER from 9th CCA filed, CCA # 07–71359. The Clerk shall amend the docket to reflect the correct district court case number as shown in the caption of this order. Petitioner has not demonstrated that this case warrants the intervention of this court by means of the extraordinary remedy of mandamus. See Bauman v United States Dist. Court, 557 F2d 650(9th Cir. 1977). Accordingly, the petition is denied. No motions for reconsideration, rehearing, clarification, or any other submissions shall be filed or entertained in this closed docket. Order received in this district on 5/21/07. (car,) (Entered: 05/22/2007)
07/17/2007	<u>¶ 8</u>	ORDER (1) DENYING PETITION AND DISMISSING ACTION WITHOUT PREJUDICE FOR LACK OF JURISDICTION; AND (2) DIRECTING CLERK TO REFER PETITION TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT by Judge Percy Anderson: The Petition 1 is construed as a motion under 28 U.S.C. Section 2255. The Petition is denied, and this action is dismissed without prejudice for lack of jurisdiction. The Clerk is directed to refer the Motion to the Ninth Circuit pursuant to Ninth Circuit Rule 22–3(a). (MD JS–6. Case Terminated.) (gk) (Entered: 07/20/2007)
08/01/2007	<u>¶</u>	TRANSMITTAL of documents – mailed all original documents in case file, except original order referring petition which is retained and a certified copy of the civil docket sheet to the United States Court of Appeals for the Ninth Circuit. (gk) (Entered: 08/01/2007)
08/13/2007	<u>¶ 9</u>	Receipt of copy of transfer letter from the Ninth Circuit Court of Appeals. Assigned their case number 07–73112. (gk) (Entered: 08/24/2007)
12/10/2007	<u>¶ 10</u>	ORDER from the United States Court of Appeals for the Ninth Circuit, Docket No. 07–73112, that pursuant to the Ninth Circuit court's order, the Southern District vacated its earlier judgment and allowed petitioner to withdraw his 28 U.S.C. Section 2255 Motion in Case No. CV 06–1730 (S.D. Cal. 2006). Thus, the instant filing is not successive. On 9/10/2007, petitioner filed a document in the Ninth Circuit stating that the instant petition challenges not a Southern District decision, but rather a release order issued by the Central District in Case No. CR 99–470 PA (C.D. Cal.

		order filed 9/23/2005). Accordingly, the Clerk shall transfer this action and pending motions to the United States District Court for the Central District of California. (Filed by the 9th CCA on 11/16/2007) (gk) (Entered: 12/11/2007)
12/10/2007	<u>¶ 11</u>	NOTICE OF TRANSFER BACK and Reopening of Case. This action has been transferred back, to this court from the United States Court of Appeals for the Ninth Circuit, docket number 07-73112. The case has been reopened and assigned to Judge Percy Anderson. (REOPENED, MD-JS5) (gk) (Entered: 12/11/2007)
12/27/2007	<u>¶ 12</u>	MINUTES OF In Chambers Order by Judge Percy Anderson : The Court has before it the Petitionr Arif Durrani's Petition for Writ of Habeas Corpus challenging the Court's releas order issued on 9/23/05. Respondent shall serve and serve a Notice of Appearance not later than 1/14/08, notifying the Court of the name of the attorney who is in charge of the cass. Respondent shall file and serve its respons to the Petition on or before March, 11, 2008. (See document for further details) (yl) (Entered: 12/28/2007)
12/27/2007	<u>¶ 13</u>	NOTICE OF DISCREPANCY AND ORDER: by Judge Percy Anderson, ORDERING Notice of Motion and Motion for Default Judgment, etc submitted by Petitioner Arif Durrani received on 12/10/2007 is not to be filed but instead rejected. Denial based on: LR 6.1. (yl) (Entered: 01/07/2008)
01/04/2008	<u>¶ 15</u>	MINUTES – IN CHAMBERS by Judge Percy Anderson: As of 11/1/2007, the United States District Court for the Central District of California requires the electronic filing of documents in all new and pending civil cases. Information about the Court's Case Management/Electronic Case Files ("CM/ECF") system is available on the Court's website at www.cacd.uscourts.gov/cmecf . Pursuant to General Order 07-08, section VI, paragraphs C and J, which allow the Court to set a specific time of day for Courtesy Copies to be delivered to Chambers and documents to be considered timely filed, the electronic filing of all documents required to be filed electronically in this matter shall be completed by 4:00 PM on the date due and Courtesy Copies must be delivered to Chambers by 5:00 PM on the date due. Documents filed electronically after 4:00 PM on the date due will be considered untimely and may result in the striking of the document and the imposition of other sanctions. Parties appearing pro se are exempt from the electronic filing requirements. See General Order 07-08, section III, paragraph B. Court Reporter: Not Reported. (gk) (Entered: 01/15/2008)
01/08/2008	<u>¶ 16</u>	INTERLOCUTORY NOTICE OF APPEAL to the 9th CCA filed by Petitioner Arif Durrani. Appeal of Notice of Document Discrepancies and Order Rejecting, <u>13</u> Filed On: 12/27/07; Entered On: 1/07/08; Filing fee \$ 455. Billed. cc: Arif A. Durrani; United States Attorney. (lr) (Entered: 01/16/2008)
01/08/2008	<u>¶ 17</u>	NOTICE OF APPEAL NOTIFICATION form issued regarding Appeal to 9th Circuit Court of Appeals, <u>16</u> as to Petitioner Arif Durrani. (lr) (Entered: 01/16/2008)
01/14/2008	<u>¶ 14</u>	NOTICE of Appearance filed by attorney William A Crowfoot, II on behalf of Petitioner Arif Durrani (Attachments: # <u>1</u> PROOF OF SERVICE)(Crowfoot, William) (Entered: 01/14/2008)

01/16/2008	<u>İ 18</u>	BILLING LETTER ISSUED as to Arif A. Durrani re a \$5.00 filing fee and a \$450.00 docket fee are required to be paid to the Clerk, U.S. District Court. re Appeal to 9th Circuit Court of Appeals, <u>16</u> (lr) (Entered: 01/16/2008)
01/16/2008	<u>İ 19</u>	CERTIFICATE OF RECORD Transmitted to USCA re Appeal to 9th Circuit Court of Appeals, <u>16</u> filed by Arif Durrani ; Court of Appeals Case Number: 07-73112. (lr) (Entered: 01/16/2008)
01/16/2008	<u>İ</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals; re: Appeal to 9th Circuit Court of Appeals, <u>16</u> (lr) (Entered: 01/16/2008)
01/25/2008	<u>İ 20</u>	CORRECT CERTIFICATE OF RECORD Transmitted to USCA re Appeal to 9th Circuit Court of Appeals, <u>16</u> filed by Arif Durrani. Transcripts: None Requested. (lr) (Entered: 01/25/2008)
01/31/2008	<u>İ 21</u>	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge Percy Anderson, ORDERING Letter submitted by Petitioner Arif Durrani received on 1/29/2008 is not to be filed but instead rejected. Denial based on: No copy for the judge, L.R. 11-4.1; no proof of service attached to document, F.R.Civ.P. Rule 5(d); no letters. (mmu) Modified on 2/5/2008 (gk,). (Entered: 02/01/2008)
01/31/2008	<u>İ 22</u>	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge Percy Anderson, ORDERING Letter submitted by Petitioner Arif Durrani received on 1/29/2008 is not to be filed but instead rejected. Denial based on: No copy for the judge, L.R. 11-4.1; no proof of service attached to document, F.R.Civ.P. Rule 5(d); no letters. (gk) ** DUPLICATIVE ENTRY TO DOCUMENT NUMBER 21, SEE NOTICE OF CLERICAL ERROR FILED 2/5/2008 <u>23</u> ** Modified on 2/5/2008 (gk,). (Entered: 02/04/2008)
01/31/2008	<u>İ 24</u>	NOTICE OF DISCREPANCY AND ORDER: by Judge Percy Anderson of Letter received on 1/29/08. The document is NOT to be filed, but instead REJECTED, and is ORDERED returned to counsel. Reason for rejection: No copy provided for judge; no proof of service attached to document(s); no letters. (mmu) (Entered: 02/13/2008)
02/05/2008	<u>İ 23</u>	NOTICE OF CLERICAL ERROR: Due to clerical error, a duplicative entry to document number 21 was docketed Re: Notice of Document Discrepancies – rejecting Letter received 1/29/2008 <u>22</u> . (gk) (Entered: 02/05/2008)
03/11/2008	<u>İ 25</u>	NOTICE OF MOTION AND MOTION to Dismiss for Lack of Jurisdiction filed by RESPONDENT S A Holencik. (Attachments: # <u>1</u> ATTACHMENT A THRU D# <u>2</u> CERTIFICATE OF SERVICE)(Crowfoot, William) (Entered: 03/11/2008)
03/25/2008	<u>İ 26</u>	<i>GOVERNMENT'S RESPONSE TO DEFENDANT'S EX PARTE NOTICE RE: NON-COMPLIANCE WITH SERVICE OF PROCESS; DECLARATION OF WILLIAM A. CROWFOOT</i> (Attachments: # <u>1</u> CERTIFICATE OF SERVICE)(Crowfoot, William) (Entered: 03/25/2008)
04/07/2008	<u>İ 27</u>	MINUTES OF IN CHAMBERS ORDER by Judge Percy Anderson: The Court has before it an Ex Parte Notice of Noncompliance With Service by Petitioner Arif Durrani dated 3/31/2008. Petitioner explains that as of 3/31/2008, he had not received a motion filed by Respondent S.A. Holencik,

		<p>Warden. Petitioner seeks a Court order requiring compliance with service. Additionally, the Court has before it an Ex Parte Notice dated 3/27/2008. In that Ex Parte Notice, Petitioner claims Respondent failed to serve the motion properly, and thus engaged in intentional misconduct. Respondent is ordered to contact Petitioner's case manager to determine whether Petitioner has been provided a copy of the Motion. If Petitioner has been provided a copy of the Motion, Respondent shall file a proof of service. If Petitioner has not been provided a copy of the Motion, Respondent is ordered to serve Petitioner by mail and also to mail a copy of the Motion directly to Petitioner's case manager, who shall personally serve Petitioner. Respondent shall then file a proof of service or a declaration under penalty of perjury by Petitioner's case manager that he personally served Petitioner. The Court has reviewed Respondent's Response and determined that it does not appear that there has been any misconduct. Furthermore, it is unclear what relief Petitioner seeks through his March 27 Ex Parte. If Petitioner seeks more time to respond to the Motion, Petitioner may submit an ex parte application for an extension of time for the Court's consideration, explaining when Petitioner received the motion, if at all. Court Reporter: Not Reported. (gk) (Entered: 04/16/2008)</p>
04/09/2008	<u>¶ 28</u>	Acceptance of Service on 4/1/2008 by the Petitioner Via Mailed 2nd Copy from Respondent of Motion filed by Petitioner Arif Durrani. (gk) (Entered: 04/18/2008)
04/23/2008	<u>¶ 29</u>	RESPONSE filed by Respondent S A Holencik to Notice (Other) <u>28</u> (Attachments: # <u>1</u> Exhibit Certificate of Service)(Crowfoot, William) (Entered: 04/23/2008)
04/23/2008	<u>¶ 31</u>	OPPOSITION to Motion to Dismiss 28 U.S.C. Section 2241 <u>25</u> filed by Petitioner Arif Durrani. (gk) Additional attachment(s) added on 5/20/2008 (gk,). (Entered: 05/20/2008)
05/07/2008	<u>¶ 30</u>	REPLY filed by Respondent S A Holencik <i>TO DEFENDANT'S OPPOSITION TO GOVERNMENT'S MOTION TO TRANSFER OR DISMISS DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. 2241</i> (Attachments: # <u>1</u> Certificate of Service)(Crowfoot, William) (Entered: 05/07/2008)
05/13/2008	<u>¶ 32</u>	MANDATE of 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>16</u> , CCA # 08-55082, 08-70269. Appeal number 08-55082 is dismissed as duplicative of number 08-70269. The petition for permission to appeal pursuant to 28:1292(b) in number 08-70269 is denied. Mandate received in this district on 05/14/08. (cbr) Additional attachment(s) added on 5/20/2008 (cbr,). (Entered: 05/20/2008)
05/29/2008	<u>¶ 33</u>	REQUEST FOR JUDICIAL NOTICE and Submission of Documents with Leave of the Court filed by Petitioner Arif Durrani. (gk) (Entered: 05/29/2008)
06/04/2008	<u>¶ 34</u>	NOTICE OF DISCREPANCY AND ORDER: by Judge Percy Anderson, ORDERING Letter to Hon. Percy Anderson from Susanne Stehr spouse of Petitioner Arif Durrani received on 5/23/08 is not to be filed but instead rejected. Denial based on: Pursuant to Local Rule 83-2.11, Improper Communications with the Court. (psa) (Entered: 06/05/2008)
06/17/2008	<u>¶ 35</u>	EX-PARTE JUDICIAL NOTICE to Expurgate and Correct the 7/17/2007,

		Order to Comply with the Rule of Specialty filed by Petitioner Arif Durrani. (gk) (Entered: 06/19/2008)
08/12/2008	<u>I 36</u>	ORDER by Judge Percy Anderson transferring case to Southern District of California. Original file, certified copy of the transfer order and docket sheet sent. (MD JS-6. Case Terminated.) (Attachments: # <u>1</u> CV22) (rmo) (Entered: 08/19/2008)